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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,103	08/26/2003	Mark D. Schoenhals	15010-01010	3164

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EXAMINER

BESROUR, SAOUSSEN

ART UNIT PAPER NUMBER

2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/648,103	Applicant(s) SCHOENHALS, MARK D.	
	Examiner Saoussen Besrour	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to the communication filed 2/22/2005.
2. Claims 1-32 were received for consideration.
3. No preliminary amendments for the claims were filed. Currently claims 1-32 are under consideration.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 6** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of "if" renders the claim indefinite since it is not clear what occurs if the information relating to how the user reached the website is not available. Examiner suggests replacing "if" with "when".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-14 and 19-26** are rejected under 35 U.S.C. 102(e) as being anticipated by Blair et al. (US 2007/0016523).

As per **claim 1**, Blair et al. discloses: for each user with which the first network service communicates, transmitting a unique ID, to the user such that the unique ID is visible to the user (0008); requesting, via the second network service, the unique ID from the user in response to the user communicating with the second network service independently of the first network service (0009, 0015); and correlating the user's use of the second network service with the user's use of the first network service based on the unique ID (0009, 0015).

As per **claim 19**, Blair et al. discloses: for each user with which a first network service communicates, transmitting a unique ID to the user such that the unique ID is visible to the user (0008); for each user communicating with the second network service, inquiring as to whether the user received a unique ID from another network service (0009); in response to the user indicating receipt of a unique ID from another network service, requesting the unique ID (0009, 0015); and correlating user use of the second network service with user use of the first network service by correlating records from each of the first and second network services using the unique IDs (0009, 0015).

As per **claim 23**, Blair et al. discloses: a first network service controller that transmits a unique ID to each user of the first network service such that the unique ID is visible to the user (0008); a first network service recorder for storing a unique ID for

each user of the first network service (0009, 0015, 0018); a second network service controller for enabling users to communicate with the second network service (0009); a second network service recorder that stores the unique ID of each user that submits a unique ID to the second network service (0018); and an analyzer that correlates users use of the second network service with user use of the first network service by correlating records associated with matching the unique IDs (0018, 0020, 0024).

As per **claim 2**, rejected as applied to claim 1. Blair et al. discloses: recording, in association with the user's unique ID, an indication of information transmitted to the user by the first network service (0008, 0018).

As per **claim 3**, rejected as applied to claims 2. Blair et al. discloses: recording, in association with the user's unique ID, information related to the second network service's interaction with the user (0018).

As per **claim 4**, rejected as applied to claim 1. Blair et al. discloses: determining the number of users of the second network service that also received a communication from the first network service (0018, Lines 1-2).

As per **claim 5, 20 and 24**, rejected as applied to claim 1, 19 and 23. Blair et al. discloses: users may purchase products through the second network service and wherein the method further comprises correlating product sale information associated with the second network service with user information associated with the first network service (0015).

As per **claim 6, 21 and 25**, rejected as applied to claim 1, 19 and 23. Blair et al. discloses: the first network service is a website and, if information related to how the

user reached the first network service is available, the method further comprises storing such information in association with the user's unique ID (0005, 0108, 0064).

As per **claim 7, 22 and 26**, rejected as applied to claim 6, 21 and 25. Blair et al. discloses: users may purchase products through the second network service and wherein the method further comprises correlating a referral source for the first network service with products sold through the second network service (0063, 0064, 0065).

As per **claim 8**, rejected as applied to claim 6. Blair et al. discloses users may purchase products through either the first or second network services and wherein the method further comprises correlating a referral source for the first network service with products sold through the first and second network services (0065).

As per **claim 9** rejected as applied to claim 1. Blair et al. discloses: the first network service is a website (0008).

As per **claim 10** rejected as applied to claim 1. Blair et al. discloses: the first network service is a cable service (0101)

As per **claim 11** rejected as applied to claim 1. Blair et al. discloses: the first network service is a personalized catalog (0101).

As per **claim 12** rejected as applied to claim 1. Blair et al. discloses: the second network service is an electronic mail service (0111).

As per **claim 13** rejected as applied to claim 1. Blair et al. discloses: the second network service is a telephone service (0111).

As per **claim 14** rejected as applied to claim 1. Blair et al. discloses: the second network service is an Internet chat service (0136).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 15, 16, 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair et al. (US 2007/0016523) in view of McElfresh et al. (US 7,100,111), herein Mc'.

As per **claim 15**, rejected as applied to claim 1. Blair et al. does not explicitly teach: for each user with which the first network service communicates, determining whether a unique ID associated with the first network service has been previously assigned to the user; if a unique ID has been previously assigned to the user, retrieving the unique ID and transmitting the unique ID to the user; and if a unique ID has not previously been assigned to the user, generating a unique ID for the user, storing the unique ID, and transmitting the unique ID to the user.

However, Mc' discloses: for each user with which the first network service communicates, determining whether a unique ID associated with the first network

service has been previously assigned to the user (Column 3, Lines 28-45); if a unique ID has been previously assigned to the user, retrieving the unique ID and transmitting the unique ID to the user (Column 4, Lines 22-36); and if a unique ID has not previously been assigned to the user, generating a unique ID for the user, storing the unique ID, and transmitting the unique ID to the user (Column 9, Lines 10-25). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Mc' in conjunction with the teachings of Blair et al. for the benefit of target advertisement. The modification would have been obvious since Blair et al. in 0064, lines 11-13 discloses advertising to a consumer services that they may desire.

As per **claim 16**, rejected as applied to claim 15. Furthermore, Mc' discloses: wherein the first network service is a website and the information in a cookie associated with the user's Internet browser is used to determine whether the user has previously visited the website and been assigned a unique ID (Column 4, Lines 22-36).

As per **claim 17**, rejected as applied to claim 1. Blair et al. does not explicitly teach: wherein transmitting a unique ID associated with the user comprises: for each user with which the first network service communicates, generating a unique ID for the user; determining whether another unique ID has been previously assigned to the user; in response to a unique ID being previously assigned to the user; recording an association between the newly generated unique ID and the previously assigned unique ID; and transmitting the newly generated unique ID to the user.



However, Mc' discloses: for each user with which the first network service communicates, generating a unique ID for the user (Column 4, Lines 22-36); determining whether another unique ID has been previously assigned to the user (Column 9, Lines 29-43); in response to a unique ID being previously assigned to the user; recording an association between the newly generated unique ID and the previously assigned unique ID (Column 9, Lines 29-44); and transmitting the newly generated unique ID to the user (Column 9, Lines 29-44). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Mc' in conjunction with the teachings of Blair et al. for the benefit of target advertisement. The modification would have been obvious since Blair et al. in 0064, lines 11-13 discloses advertising to a consumer services that they may desire.

As per **claim 18**, rejected as applied to claim 1. Blair et al. does not explicitly teach wherein the first network service is a website, wherein each web browser initiating communications with the website is treated as a user, and wherein a unique ID is associated with each such web browsers.

However, Mc' discloses: wherein the first network service is a website, wherein each web browser initiating communications with the website is treated as a user, and wherein a unique ID is associated with each such web browsers (Column 9, Lines 30-44). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Mc' in conjunction with the teachings of Blair et al. for the benefit of target advertisement. The modification would

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have been obvious since Blair et al. in 0064, lines 11-13 discloses advertising to a consumer services that they may desire.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Joao (US 20020169685)

Ganesan et al. (US 20010037296)

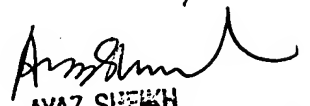
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB  
March 22, 2007

  
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